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Maine Hunting and Trapping Laws, 1938

Maine Department of Inland Fisheries and Game

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MAINE
Hunting and Trapping
Laws



1938 Revision

Suggestions for the use of firearms which if followed will eliminate 99% of shooting accidents.

NEVER point a gun at anything which you do not want to shoot.

NEVER load a gun when it is pointed at any person.

NEVER pull the trigger just for fun.

NEVER shoot at bottles or other hard surfaces from which the bullet may glance.

ALWAYS look to see if a gun is empty before handling it.

NEVER carry a loaded gun except when hunting, and then only with the safety on.

NEVER shoot at harmless animals for sport.

NEVER leave wounded game to suffer.

ALWAYS put gun through a fence, muzzle first, before climbing through.

ALWAYS clean a gun when finished shooting with it.

HUNTING AND TRAPPING LAWS

STATE OF MAINE

1938

This pamphlet contains an abstract of the hunting and trapping laws as contained in Chapter 38 of the Revised Statutes, Biennial Revision of 1937.

Unless otherwise specified, the sections referred to in this book refer to Chapter 38 of the Revised Statutes, Biennial Revision of 1937.

The commissioner of inland fisheries and game is hereinafter designated as "the Commissioner."

GEORGE J. STOBIE, Commissioner
Augusta, Maine

Sec. 9-B. Keeping of wild animals in captivity prohibited; exceptions; fees; care and treatment. It shall be unlawful for any person to keep any wild animal in captivity upon any street or highway, or upon land, public or private, adjoining any street or highway or upon land public or private, in the vicinity of any commercial establishment, for exhibition, or the evident purpose of attracting trade, or to have any wild animal in his custody or control for such purpose, except that the commissioner may grant permits for "roadside menagerie." Applications therefor shall be made on forms prepared and furnished by the commissioner. The applications shall show the name and address of the applicant, the location or proposed location of the roadside menagerie, the approximate number and kinds of wild animals being or to be kept, space and method of housing, and confinement measures taken to protect the public from injury by any wild animal, and such further information as the commissioner shall prescribe. Each application shall be accompanied by a fee of \$50.

Confining and keeping of wild birds and animals for exhibition purposes along roadsides within Hancock county; prohibited. No person shall keep any wild bird or wild animal in confinement for exhibition purposes along or near the sides of any public road or way within the county of Hancock.

Guides.

Sec. 15. Guides shall be registered by commissioner; must furnish such information as commissioner requires. No person shall engage in the business of guiding, either for inland fishing or forest or shore hunting, until he has procured a certificate so to do from the commissioner. Each registered guide shall, from time to time, as often as requested by said commissioner, forward, on blanks furnished him by said commissioner, a statement of the number of persons he has guided during the time called for in said statement, the number of days he has been employed as a guide, and such other information relative to inland fish and game, forest fires, and the preservation of the forests in the localities where he has guided, as the commissioner may deem of importance to the state.

Sec. 16. Applications for registration shall be made to the commissioner in writing; classification; fees; revocation of registration. An applicant for registration as a guide shall apply in writing to the commissioner, setting forth in his application whether he desires to be registered as a

Class A or Class B guide; and the commissioner may, upon sufficient proof as to his competency, register such person as a Class A or Class B guide. No person shall be issued a Class A guide's certificate unless he is physically, mentally and morally capable of guiding and caring for a party anywhere in the forests or on the waters of the state and said commissioner may, at his discretion, promote or demote guides from one class to another.

Guides may fish and hunt by virtue of their guide's license.

A fee of \$5 shall be paid annually for the registration of a Class A guide and a fee of \$3 shall be paid annually for a Class B guide. Non-residents may be so licensed upon payment of a fee of \$40.

Whenever a guide registered, as provided in this section, is charged with having violated any of the inland fish and game laws, the commissioner may suspend his certificate of registration.

Chap. 212, P. L., 1937. Indians to have free hunting and fishing. Indians over 18 years of age of both the Passamaquoddy and Penobscot Tribes may procure free license to hunt and fish from the commissioner, through their respective Indian Agents. No person shall be considered an Indian unless his father and mother were Indians.

Sec. 40. Hunting, alien, jack-light, and trapping defined.

a. Hunting means to hunt for, pursue, catch, take, kill, wound or destroy wild birds and animals.

b. For the purposes of the fish and game laws all aliens shall be classified as non-residents, except that, any alien who has lived in the state continuously for 2 years and in addition thereto pays tax on real estate in the city or town in which he resides, may purchase any residence license issued under the provisions of this chapter.

c. Jack-light when hunting means any artificial light when used in conjunction with a rifle larger than twenty-two caliber, and a twenty-two hipower is considered larger, or a shotgun.

d. To trap shall also mean trap for.

e. A resident is a citizen of the United States who has been a bona fide resident of this state and actually domiciled here for a period of 3 months next prior to his application for a license.

Sec. 41. Hunting licenses for residents and non-residents; fees therefor.

| | |
|---|---------|
| Hunting Licenses, Resident (over 18 years) | \$ 1.15 |
| Combination, Hunting and Fishing | 2.15 |
| Hunting Licenses, Non-Resident: | |
| Deer License (includes small game) | \$15.15 |
| Bird and Small Game | 5.15 |
| Junior Bird and Small Game (under 16 years) | 2.15 |
| Duplicate licenses to replace those lost or destroyed | .25 |

No person shall hunt or have in his possession any wild bird or animal except in accordance with the following provisions:

1. Any resident and his immediate family may without license hunt on land owned by him, or leased by him and on which he is actually domiciled and which is used exclusively for agricultural purposes.

2. No resident shall hunt or have in his possession any wild bird or wild animal without first having procured from the commissioner or his authorized agent a written license which shall be kept upon the person while hunting or transporting such birds and animals and exhibited to any warden, employee of this department, or guide upon request. All employees and soldiers regularly employed at the National Soldier's Home shall be, and hereby are, classified

as residents of this state for the purpose of obtaining hunting licenses, and shall pay the same fees and be held to the same laws, rules and regulations as residents of this state. The clerks of all towns are such authorized agents and the commissioner may appoint additional agents. The license shall be issued to a resident by the clerk of the town in which the applicant resides, or if domiciled in an unorganized place, then by the clerk of the nearest town, upon payment of a fee of \$1.15, of which 15 cents shall be retained by the town clerk. A combination hunting and fishing license may be issued on payment of \$2.15, 15 cents to be retained by the town clerk. No town or city clerk or other person, shall issue resident hunting licenses to any person other than a bona fide resident of the town or city in which said license is issued, under penalty of \$10 for each license so issued.

3. No non-resident or alien shall hunt or have in his possession any wild bird or animal without first having procured from the commissioner or his authorized agent a written license which shall be kept upon the person while hunting or transporting such birds and animals and exhibited to any warden, employee of this department, or guide upon request. In addition to town clerks the commissioner may, subject to recall at his pleasure, designate additional agents to issue licenses.

The license to hunt wild birds, rabbits, foxes and unprotected wild birds or wild animals only shall be issued on payment of \$5.15 and to hunt both wild birds and wild animals on payment of \$15.15, of which 15 cents shall be retained by the agent issuing the license.

4. Each license shall expire on December 31 for the calendar year for which it is issued. Licenses may be issued prior to the date upon which such license may be in force. Application blanks and licenses shall be furnished by the commissioner in such form as he shall designate.

Each agent shall on the first of each month forward to the commissioner a report containing a list of the persons to whom he has issued licenses since his last report, the class of each license and the total amount of the funds by him collected, and shall at the same time forward to the commissioner the funds by him collected less the amount of 15 cents, as above provided for each license, which funds shall be deposited in the state treasury by said commissioner.

5. Failure to produce such license within a reasonable time when requested by any authorized person shall be prima facie evidence of the violation of this section.

6. Any non-resident under the age of 16 years with the consent of his parent or guardian, may buy a junior non-resident hunting license to hunt wild birds, rabbits, raccoons, foxes and unprotected wild birds and animals only, on the payment of \$2.15, of which 15 cents shall be retained by the agent issuing the license. Any resident under the age of 18 years may hunt without a license if accompanied at all times by a parent or guardian while in the fields or forests or on the waters or ice of the state with firearms in his possession, except that any resident under the age of 18 may procure a license to hunt by filing with the clerk issuing the license the written consent of his parent or guardian.

6-A. The hunting license of any person who, while in pursuit

of wild game or game birds, shoots, kills or wounds a human being, through mistaking a human being for wild game or wild birds, shall be revoked immediately by the commissioner and such persons shall thereafter not be eligible to procure a hunting license.

7. The funds collected by agents and the commissioner shall constitute a fund to be expended under the direction of the commissioner for the propagation and protection of wild birds, fish and animals. The fund shall not lapse from year to year but any funds collected in any one year may be used for that year and any succeeding year for said purposes.

8. Any fishing or hunting license or permit of any kind issued by authority of this chapter, which shall have been procured through fraud, misstatement or misrepresentation of any kind, shall be null and void, so also shall be any license or permit procured by any person during the period for which a license or permit held by said person shall have been suspended or revoked. Any person who shall procure a fishing or hunting license or any other license or permit of any kind issued under the provisions of this chapter either by fraud, misstatement or misrepresentation of any kind, or who shall procure a license or permit during the period for which his license or permit is suspended or revoked, shall be subject to the penalties as set forth in section 107.

Sec. 42. Trapping licenses; fees.

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|---|------------------|
| Resident trapping license, state wide, | \$10.00 annually |
| Resident trapping license, in organized territory, | 5.00 " |
| Beaver trapping license, | 10.00 " |
| Fee for sealing and stamping of each beaver skin by chief game warden, | 2.00 " |
| Non-resident trapping license, | 50.00 annually |
| Alien trapping license, | 50.00 " |

Any resident who traps for any fur-bearing animal except rabbits shall annually procure a license therefor from the commissioner.

Any resident under 16 years of age can trap for any fur-bearing animal except beaver in the organized townships without a trapping license; in unorganized townships a license is required.

Any resident of any age who traps for beaver or any fur-bearing animal, except as above, must be licensed.

Any resident, or a member of his immediate family, may hunt or trap for fur-bearing animals (except beaver) on land owned by him or on land leased by him on which he is actually domiciled, within the limits of an organized township, and which land is used exclusively for agricultural purposes, without a license.

Each person licensed under the provisions of this section shall on or before December 31st of each year make such report to said commissioner as may be called for by him.

Whoever traps for any fur-bearing animal in violation of any provision of this section, or whoever fails to file the annual report required by this section, or whoever has in possession at any time

any fur-bearing animal, or part thereof, taken in violation of any provision of this section, shall be subject to the penalties of section 107 of this chapter.

Any person who has been found guilty by the court of breaking and entering, or of larceny, shall not be eligible thereafter to obtain a trapper's license.

Sec. 43. Hunting and fishing licenses; revocation of. Upon the conviction of any person holding a license issued by virtue of this chapter, of a violation of the fish and game laws or rules and regulations of the commissioner, said license shall be revoked by the commissioner and the commissioner shall refuse to issue a license to said person for periods as set forth herein; upon the 1st conviction for a period of 6 months, upon the 2nd conviction for a period of 18 months, upon the 3rd conviction for a period of 3 years, upon the 4th conviction for a period of 5 years and upon 5th conviction for a period of 5 years. No license shall be issued to any person after the 5th conviction except after a hearing before the commissioner.

Sec. 44. Sunday hunting. Sunday is a closed season, on which it is not lawful to hunt any wild animals or wild birds of any kind.

Sec. 45. Night hunting. Hunting of wild birds is prohibited from sunset to half an hour before sunrise. Hunting of wild animals is prohibited from one half hour after sunset until one half hour before sunrise, with the exception of skunks and raccoons.

For daily time limits on Migratory Game Birds consult regulations of the Bureau of Biological Survey.

Sec. 46. Hunting from automobiles. It shall be unlawful for any person to hunt any wild bird or wild animal at any time from an automobile, or by aid or use of any light or lights carried thereon or attached thereto. It shall be unlawful for any person to have in possession, at any time, any wild bird or wild animal, or part thereof, taken in violation of any provision of this section. No person shall have a rifle or shotgun, either loaded or with a cartridge in the magazine thereof, in or on any motor vehicle while the same is upon any highway or in the fields or forests.

Sec. 46-A. Hunting from railways prohibited. It shall be unlawful for any person to hunt any wild bird or wild animal at any time, from a hand car, flat car, or any other car or vehicle moving along rails under its own power, or drawn along rails by an engine; or by aid or use of any light or lights carried thereon or attached thereto. It shall be unlawful for any person to have in possession, at any time, any wild bird or wild animal, or part thereof, taken in violation of any provision of this section. No person shall have a rifle or shotgun, either loaded or with a cartridge in the magazine thereof, in or on a hand car, flat car, or any other car or vehicle moving along rails under its own power, or drawn along rails by an engine.

Sec. 47. Silencers. The possession, sale, or use of any silencer, or of any gun, pistol or other firearms fitted with any silencer, is prohibited.

Sec. 48. Snares, swivel guns, or poison forbidden; traps to be labeled; bear traps to be enclosed. The use of snares, or of

swivel, pivot or set guns, or of poison, or the use in any manner of partridge or ruffed grouse or any part thereof as a bait for trapping is prohibited in the taking of wild birds or animals. Traps shall be plainly labeled with the full name and address of the person setting the same. Bear traps must be enclosed in a hut, or by at least two strands of barbed wire, one four and one five feet from the ground, said wire to be securely held in position and to be not less than five yards at any point from the enclosed trap.

Sec. 49. Poisons. The leaving or depositing in any place of any poison or poisonous substance for the purpose of killing wolves, foxes, dogs or other animals, and not for the destruction of insects, or vermin in a building, is prohibited.

Sec. 50. Traps shall be visited every 24 hours; exceptions. Any person trapping in any organized or incorporated place shall visit each trap or cause the same to be visited at least once in every 24 hours, except beaver sets so-called, and remove therefrom, or cause to be removed, any animal found caught therein. No person shall trap on or in any organized or incorporated place without first obtaining the written consent of the owner or occupant of the land on which said trap is to be set. No person shall trap outside his own land, within half a mile of the compact or built-up portion of any city or village, except by the use of water-sets so-called, for mink and muskrat. A water-set shall be a trap so set that it shall be completely covered by water at all times. Provided, further, that any person who has a written permit from the land owner may trap, only with water-sets so-called, within half a mile of the built-up portion of any city or village. All persons aiding, assisting or helping another in trapping shall be considered as a trapper and must procure a license therefor.

Sec. 51. Kindling of fires by non-residents, regulated. Non-residents shall not kindle fires upon any unorganized township, while engaged in camping, fishing or hunting from May 1st to December 1st, without being in charge of a registered guide, except, at public camp sites maintained by the forestry department. No guide shall at the same time guide or be employed by more than 5 non-residents in hunting.

Sec. 53. Destruction of property. No person shall tear down any fence, leave open any gate, or trample or destroy any crops while hunting, trapping or fishing.

Sec. 54. Wild birds or wild animals shall not be imported without written permission of commissioner. No person shall introduce or import any wild bird or wild animal, or part thereof, of any kind or species into the state, or receive or have in possession such wild bird or wild animal, or part thereof, so introduced or imported without written permission of the commissioner.

Sec. 55. Federal regulations on migratory game birds to govern. No person shall hunt or have in his possession any eagle, Hungarian partridge or capercaillie, cock of the woods, or any black game, or species of the pheasant, except ruffed grouse or partridge.

There shall be a closed season on partridge from November sixteenth to September thirtieth of the following year, both days inclusive, and no person shall, during the open season, have in possession in any one day more than four partridge, or in any one open season for partridge or ruffed grouse more than twenty-five of the

above named birds, nor shall any person at any time buy or sell any partridge or ruffed grouse. It shall be unlawful for any person to hunt, capture, kill, take, possess, buy, or sell any migratory game bird at any time; but it shall not be deemed to be a violation of this chapter to hunt, capture, kill, take, possess, buy, or sell any migratory game bird or part thereof at the times, in the manner and numbers and by the means specifically permitted by regulations adopted and approved pursuant to the provisions of the Federal Migratory Bird Treaty Act (Act of Congress approved July 3, 1918).

(For open seasons and bag limits on migratory game birds consult federal regulations.)

Sec. 56. Nets, traps, snares, and guns. No person shall hunt with net, trap, snare, or contrivance, other than the usual method of shooting with a gun, which gun shall not be larger than number ten gauge, any bird of any variety in anywise protected by law and such prohibited implements or devices are contraband and may be seized and ordered destroyed as in the case of gambling devices.

Sec. 56-A. Use of pole traps regulated; penalty. It shall be unlawful for any person to set or use any steel trap on the top of a pole, constituting a device commonly known as "pole trap" for the purpose of catching any wild bird, without a written permit from the commissioner; such permit to be issued only when found by the commissioner to be necessary for the protection of poultry, game birds or game fish, where raised by a private individual or by the state. Whoever violates any of the provisions of this act shall be punished by a fine of not more than \$300 and costs, or by imprisonment for not more than 90 days, or by both said fine and imprisonment.

Sec. 57. Use of live decoys and blinds. *For use of live decoys and blinds consult regulations of the Bureau of Biological Survey.*

No boat shall be allowed in any waters for hunting purposes earlier than one and one-half hours before sunrise, nor shall any duck decoys be allowed to remain in said waters between the hours of sunset and one hour before sunrise.

No artificial cover which is termed stationary blind or parts thereof used for gunning purposes shall be left or allowed to remain in the waters of Merrymeeting bay in the counties of Cumberland and Sagadahoc, or the tributaries thereof, excepting Kennebec River, within one mile of the waters of Merrymeeting Bay, between one-half hour after sunset and one-half hour before sunrise.

This section shall apply to the waters of the Kennebec river up to a point one mile above Swan Island.

Sec. 58. Other than game birds protected; "game birds" and "migratory game birds" defined. No person shall have in his possession, living or dead, any wild bird, other than a game bird or a migratory game bird. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale. Nor shall any person take or needlessly destroy the nest or the eggs of any wild bird, nor have such nest or eggs in possession. The English or European house sparrow, the common crow, and the hawks, owls and kingfishers, are not included among the birds therein protected; and for the purpose of

this chapter the partridge, or ruffed grouse, only shall be considered a game bird, and the following only shall be considered migratory game birds: Anatidae or waterfowl, including brant, wild ducks, geese, and swans; gruidae or cranes, including little brown, sandhill, and whooping cranes; rallidae or rails, including coots, gallinules, and sora and other rails; limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs; columbidae or pigeons, including doves and wild pigeons. Nothing in this section, however, shall be construed to affect in any way the protection of game birds or migratory game birds as provided in section fifty-five of this chapter.

Sec. 59. Use of power-boats in hunting waterfowl. No person shall at any time hunt any sea birds, duck or waterfowl in any inland or tidal waters of the state from an automobile, airplane, power-boat, sailboat, any boat under sail, any floating device towed by a power-boat or any boat propelled by a motor attached in any manner.

Sec. 60. Hunting of moose and caribou prohibited; importation. No person shall hunt, kill, transport or have in his possession any caribou or moose or parts thereof. Provided, however, that the commissioner upon application of any person who has legally killed a caribou or moose beyond the limits of this state may issue a license permitting the importation of such caribou or moose for consumption or mounting, but not for sale.

Sec. 61. Closed time on deer in certain counties. There shall be an annual closed season on deer in the counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo and York from the 1st day of December of each year to the 31st day of October of the following year, both days inclusive, and in the counties of Aroostook, Penobscot, Somerset, Piscataquis, Franklin and Oxford from the 1st day of December of each year to the 15th day of October of the following year, both days inclusive, and in the counties of Hancock and Washington from the 16th day of December of each year to the 31st day of October of the following year, both days inclusive, except that on the island of Mount Desert, and in the town of Deer Isle, and in the town of Stonington, in the county of Hancock, and on Cross Island and on Scotch Island, in the county of Washington, and in Isle au Haut, in the county of Knox, and on Swan Island in the county of Sagadahoc, and on Swans Island in the county of Hancock, and in game sanctuaries as established by law, where closed season is perpetual, during which said closed seasons, except as hereinafter provided, it shall be unlawful to hunt any deer or have in possession any part thereof; and no person shall during the open seasons above named, except as hereinafter provided, kill or have in possession, more than 1 deer or part thereof. A person lawfully killing a deer in open season, shall have a reasonable time in which to transport the same to his home and may have the same in possession at his home in closed season, provided said deer has been properly registered, as provided in section 67.

Provided, however, that if a deer is found doing actual, substantial damage to any growing cultivated crops, the cultivator of such crops may kill the deer, and may consume said deer in his own family but not otherwise; but he shall not pursue the deer beyond the limits of his cultivated land in which the damage is being done; provided, that whoever kills a deer in accordance with

the provisions herein contained shall within 24 hours give notice in writing to the commissioner of the fact of such killing and the character and estimated amount of damage done; whoever fails to give such notice shall in no wise be protected by the provisions hereof. If the cultivator of any growing crops or orchard, or the owner or keeper of any orchard, kills a deer, found doing damage as provided in this section he shall receive no compensation from the state for said damage. Whoever shall cultivate any crops for the manifest purpose of killing deer under the provisions of this paragraph shall in no wise be protected thereby; and it shall be unlawful to place salt or any other bait or food in any place for the purpose of enticing deer thereto. Any dead deer found in the woods not having a tag identifying the owner thereof shall be the property of the state of Maine to be disposed of by direction of the commissioner.

The owner or keeper of any orchard or growing crops shall within 48 hours after he discovers there is a damage being done to said orchard or crops, by deer or other protected animals or birds, report the same in writing to the commissioner, either directly or to the inland fish and game warden in whose district said crop or orchard is being damaged. Any person who claims a damage to growing crops or orchard by deer or other protected animals or birds shall within 3 days after he discovers such damage is being done report the same in writing to the commissioner or to the deputy inland fish and game warden in whose district said crop or orchard is being damaged.

Any person who suffers property damage caused by deer or moose, other than damage to cultivated crops or orchards, shall within 12 hours thereafter report the same in writing to the commissioner or to the deputy inland fish and game warden in whose district said damage occurred. Upon satisfactory proof of the damage and extent thereof, the same shall be paid as in the case of damage to growing crops. Provided, however, that no damage shall be paid if said damage is not reported as required above.

Sec. 61-A. Horning of Deer prohibited. It shall be unlawful to drive deer by the use of horns, whistles or other noise making devices. It shall also be unlawful for any person to hunt deer after he has killed 1 during that calendar year.

Sec. 62. Dogs, jacklights, snares, traps, etc. No person shall at any time hunt with a dog, jacklight, artificial light, snare, trap, swivel, pivot or set gun, any deer, caribou or moose.

Sec. 63. Sale or possession of jacklights, or swivel, pivot, or set guns. No person shall offer for sale, sell or purchase any jacklight, or light fitted for night hunting. No person shall have in possession any jacklight, swivel, pivot or set gun, nor any spear, trawl or net, except such as are authorized for the taking of suckers, eels, hornpouts and yellow perch.

Any person convicted of illegal night hunting shall forfeit such firearms, jacklights, or any other equipment used or usable in the illegal night hunting at the time of such violation.

Sec. 64. Dogs shall be killed for hunting moose, caribou, deer or elk or worrying domestic animals. It is unlawful for any dog to hunt, chase, kill, wound or pursue any moose, caribou, deer or elk or any other wild animal in closed season and no person shall permit any dog owned by him to hunt, chase, kill, wound or pursue any moose, caribou, deer or elk at any time or any other wild animal in closed season. Any officer may kill any dog, which

he finds in the act of hunting, chasing, killing, wounding or pursuing any moose, caribou, deer or elk at any time or any other wild animal in closed season or worrying, wounding or killing any domestic animal, when said dog is outside of the enclosure or immediate care of its owner or keeper. Any person having evidence of any dog, hunting, chasing, killing, wounding or pursuing moose, caribou, deer or elk at any time or any other wild animal in closed season may present said evidence to the commissioner of inland fisheries and game or any game warden or deputy game warden who shall give notice in writing to the owner or keeper of said dog stating the acts committed by said dog. The owner or keeper of any dog so notified, shall not permit any dog mentioned in said notice to leave the immediate control of said owner or keeper under the penalty as provided in section 107. Any dog whose owner or keeper has been so notified in writing by a game warden may be killed by anyone when found committing any act prohibited by this section. Any owner of sheep, or poultry, or any member of his family, or any person to whom is intrusted the custody of any sheep or enclosed poultry, shall have a right to kill any dog killing or attacking any of said sheep or enclosed poultry. Any person having any evidence of any dog hunting, chasing, killing, wounding or pursuing any moose, caribou, deer or elk, or any other wild animal in closed season, or of any dog kept and used for the purpose, or of any dog, wounding, killing or attacking any domestic animal or fowl, or any fur-bearing animals legally in captivity, when said dog is outside of the enclosure or immediate care of his owner or keeper, may present said evidence to any trial justice or judge of any municipal court, which said trial justice or judge shall have power to issue a warrant against the owner of said dog, ordering him to appear before him and show cause why said dog should not be killed; and upon hearing the evidence in said case said court may order said dog killed by any officer. The costs of prosecution shall be paid by the owner or keeper of said dog. Any person may lawfully kill a dog which suddenly assaults him or another person.

Sec. 66. Transportation of deer beyond the limits of State. No person shall sell or give away any deer or part thereof to be transported or carried beyond the limits of this state nor shall any person buy or accept as a gift any deer or part thereof to so transport the same; nor shall any resident of this state at any time carry or transport in any manner, or attempt to carry or transport in any manner, beyond the limits of this state any deer or part thereof.

Sec. 67. Transportation of deer within state. Except as hereinafter provided no person or corporation shall at any time, in any way carry or transport any deer or part thereof, unless open to view, tagged and plainly labeled with the name and residence of the person who killed said deer and accompanied by him while being transported. Any person who has killed a deer shall when enroute to his home present said deer at the 1st game inspection station for registration. No person shall have a deer or any part thereof in possession more than 24 hours after returning to his home, that has not been so registered. All game inspection stations shall be in charge of a game inspector designated by the commissioner and a list of same shall be published in 1 or more daily newspapers of the state. Said game inspectors shall register each and every deer presented for registration and shall tag each deer in the manner as directed and with the materials furnished by the commissioner. No person not the actual owner of such deer or part thereof, shall aid another in such transportation by representing himself to be the owner thereof, and it shall be prima facie evi-

dence that said deer or part thereof, that is being transported or carried, in violation of this section was illegally killed.

Sec. 68. Deer transportation tags. Any citizen of the state who has lawfully killed a deer may send the same to his home in his own name, or to any hospital in the state, without accompanying the same, by purchasing of an agent appointed therefor by the commissioner a tag, paying therefor \$2.00, and said tag shall be attached to the deer, or part thereof, being transported.

Sec. 69. Lumber camps not to serve deer as food. No owner or keeper of any camp, house, or other building, used partly or wholly in lumbering operations, or employee thereof, shall use, consume, or have in possession at any time, at said camp, or serve to any employee thereof, any deer or moose or part thereof.

Sec. 70. Closed season on gray squirrels. There shall be an annual open season on gray squirrels from October 1st to October 31st, both days inclusive, of each year; provided, that no person shall kill or have in possession more than 4 gray squirrels in any one day; provided, further, that there shall be a perpetual closed season on gray squirrels within all public or private parks, and within the limits of the compact or built-up portion of any city or village.

Sec. 71. Closed time on wild hares and rabbits. There shall be a closed season on wild hares or rabbits from the 1st day of March to the 30th day of the following September both days inclusive, except in the counties of Franklin and Somerset where there shall be a closed season from the 1st day of April to the 30th day of the following September, both days inclusive. During the open season it shall be unlawful for any person to shoot, take, kill or have in possession more than 4 rabbits, taken, shot, or killed in any one day and not more than 8 rabbits so shot or killed in possession at any one time. No person shall set or use any snares or traps or use any other device in the hunting of wild hares or rabbits or hunt the same in any except the ordinary method of shooting with guns; Provided, however, that it shall be lawful, at any time, for the commissioner of inland fisheries and game to take and transport live hares or rabbits by purchasing live hares or rabbits from local trappers who may take the hares or rabbits by box traps for this purpose throughout the several counties of the state, whenever he may deem it necessary for the proper distribution and conservation of said animals, provided however, it shall be unlawful for any person or corporation to transport or offer for transportation at any time any wild hares or rabbits beyond the limits of the state of Maine. The provisions of this section shall not be construed to prohibit the holder of a non-resident hunting license from transporting to his home dead wild hares or rabbits which he has legally killed by virtue of his said non-resident hunting license. Provided, further, it shall be unlawful for any person to have in possession or transport at any time any wild hares or rabbits taken in closed season or by any method or with any device prohibited by this section.

Closed time on rabbits in Vinalhaven. There shall be a closed season on wild hares or rabbits from February 1st to November 1st of each year.

Sec. 72. Trapping season regulated with reference to coun-

ties. There shall be a perpetual closed season on hunting or trapping any fur-bearing animal, except as provided in this chapter and whoever has in possession at any time any fur-bearing animal or part thereof taken in closed season shall be subject to the penalties of section 107 of this chapter. Fur-bearing animals taken in open season shall not be kept alive in closed season except under the provisions of section 9 of this chapter. The open season on muskrats shall be as follows:

March 20th to April 20th in the counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo and York.

April 1st to April 30th and from November 1st to November 30th in the counties of Franklin, Hancock, Penobscot, Piscataquis, Somerset and Oxford.

April 1st to April 30th in the county of Washington.

April 15th to May 15th and from November 1st to November 30th in the county of Aroostook.

The open season on mink shall be the month of November only.

There shall be no open season on fisher and sable.

The open season on all other fur-bearing animals, including raccoons, shall be from October 16th to February 15th (bobcats, loupcevri, Canada Lynx are not fur-bearing within the meaning of this section).

(b) Provided, further, that it shall be unlawful for any person to set a trap at any time within twenty-five feet of, or to molest or destroy a muskrat house.

(c) The black bear is hereby classified as a game animal. It shall be lawful to hunt and trap bear at any time, anywhere, in the state of Maine from October 1st to November 30th, both days inclusive, and it shall also be lawful for any farmer or owner of live stock to kill bear at any time while they are on his own property, except that bear may be legally taken, in any town, plantation or unincorporated place where a bounty has been, or may be, declared under the provisions of section 79.

(d) Provided that it shall be unlawful for any person to hunt skunks and raccoons at night, except that they may be hunted at night from October 15th to December 15th each year under the following provisions: when accompanied by a dog and with the use of a kerosene light only, provided however, that an electric flash light of not more than 2 cells not greater in size than number 950 may be used in addition to a kerosene light while locating in and taking from a tree raccoon treed by a dog; provided further it shall be unlawful to use or have in possession any firearms except a 22 caliber pistol while hunting as provided in this paragraph and not more than 2 raccoons shall be taken by any 1 party in any 1 night. The raccoon is hereby classified as a game animal and no more than 20 raccoons may be taken in any 1 season by any 1 person and no person except a licensed fur dealer or owner or manager of a private raccoon ranch may have in his possession at any time more than 20 raccoons or parts thereof.

(e) Provided, further, that whoever at any time hunts or traps

for or has in possession any beaver, or part thereof, (except as provided in the following section) and whoever molests or destroys a beaver house, or sets a trap within twenty-five feet thereof, shall be subject to the penalties of this chapter.

(f) Provided, however, that any person may lawfully kill any wild animal (other than beaver) or any wild bird found destroying his property.

(g) Provided, further, that fox hounds when properly collared, showing name and residence of the owner or keeper, may be trained under the supervision of their owner or keeper from September 15 to November 15.

(h) Provided, further, that nothing in this section shall be held to repeal any special muskrat law, now in effect, that relates to any particular stream or waters.

Sec. 73. Open season on beaver and muskrat. The commissioner may, upon written complaint of a water company, declare an open season upon beaver or muskrat that are polluting water supplies; or, on written complaint of a land owner, the commissioner may declare an open season upon beaver that are doing actual, substantial damage to property, or whenever in the opinion of the commissioner, beaver in a certain locality are detrimental to fishing, hunting or lumbering operations the commissioner may declare an open season upon said beaver. During such open season it shall be lawful for any person holding a statewide trapping license to trap beaver or muskrat without the consent of the land owner. Before said open season for beaver shall take effect, the commissioner shall cause a notice of such proposed open season to be published once in a newspaper printed in the county in which the land is located, and said commissioner shall also file a copy of said notice of open season with the clerk of the town or plantation in which said land is located. The commissioner may suspend said open season whenever it shall appear to him that the privileges are being abused. No person shall take beaver anywhere in the state at any time except during such open season as may be declared by the commissioner in accordance with the provisions of this section. It shall also be unlawful for any person to have in possession at any time any beaver, or part thereof, taken in violation of any provision of this section. It shall also be unlawful for any person, firm, or corporation, to sell, give away, buy, accept as a gift, offer for transportation or transport any beaver skin or beaver skins unless each skin is marked with an official seal by the chief game warden of the department of inland fisheries and game in whose district such beaver skin or beaver skins were taken. Any beaver skin or beaver skins that come into Maine in any manner from any other state or country must have the official stamp, tag, or seal of the state or country from which said skin or skins were taken. Any beaver skin or skins that are transported into Maine, or are in Maine that are not marked, as above stated, must be presented to the chief inland fish and game warden within a reasonable time, in whose district the owner or possessor of said skin or skins resides to be stamped. The chief game warden after inspecting said skins may stamp the same as though they were taken in this state and the owner or possessor shall pay the sum of \$2.00 for each skin so stamped. All beaver skins shall be marked within 30 days from the closing of the open period whether they are for sale or not.

Sec. 74. Muskrats, special provisions. It shall be unlawful for any person to hunt, trap, kill, pursue or catch any muskrat, or

muskrats, at any time in the stream running from Swetts Pond to Penobscot River in the town of Orrington in the county of Penobscot.

It shall be unlawful for any person to trap any muskrat or muskrats in Sourdabscook Stream from the point where the state highway crosses said stream in the village of Carmel in the town of Carmel, to its junction with the Penobscot River, or in any of the tributaries to said stream between the two points hereinbefore mentioned; provided however, there shall be an open season from April 15 to April 30, both days inclusive.

Whoever violates any provision of the two preceding paragraphs shall be subject to a penalty of not less than ten dollars and costs for each offense, and three dollars additional for each muskrat or part thereof hunted, killed, trapped, pursued, caught, or had in possession, in violation hereof.

Alamoosook Lake and Dead River and tributaries in Orland, in the county of Hancock are closed to the taking of muskrats until July 24, 1940.

Black Stream and all tributaries in the towns of Stetson, Carmel, Hermon, Levant and Glenburn, in the county of Penobscot are closed to the taking of muskrats until July 24, 1939; provided however that thereafter said stream and tributaries shall be open during the month of April only.

Fields Pond, tributaries, and outlet to the dam at East Orrington, in Orrington, county of Penobscot, and in Bucksport, county of Hancock, are closed to the taking of muskrats until July 24, 1939; provided however that thereafter said stream, tributaries and outlet shall be open during the month of April only.

Passadumkeag River and tributaries are closed to the taking of muskrats except during the month of April each year.

Plymouth Pond in Plymouth and Etna, county of Penobscot, is closed to the taking of muskrats from Knights' and Allen bridges to Plymouth Dam, and as far back as the fish screen between Round Pond and Plymouth Pond.

Sebasticook River, West Branch closed to hunting and trapping muskrats from May 1st to the following March 31st of each year, both days inclusive. (R. and R.)

Sec. 75. Digging out foxes and raccoons, regulated. From the 15th day of February to the 15th day of October, both days inclusive, no person shall dig out, molest or destroy, in any way, any fox or raccoon den, den tree or hole, or set any trap in any such den, den tree, or hole or remove, or cause to be removed from any such den, den tree, or hole, any fox or raccoon except those enclosed in private fox or raccoon ranches.

Sec. 76. Silver, silver black or black foxes. Any person owning or breeding silver, silver black, or black foxes shall have the same property rights therein as enjoyed by owners or breeders of domestic animals.

No person shall enter an enclosure within which silver, silver

black, or black foxes are kept for breeding purposes without the permission of the owner.

No person shall knowingly and wilfully kill, trap or injure any silver, silver black, or black fox owned by another person without the consent of the owner.

Sec. 77. Bounty on bobcat, loupcevrier, and Canada lynx. There shall be a bounty of \$15 for every bobcat, loupcevrier and Canada lynx which is killed within the state, to be paid by the treasurer of state to the person killing the same upon compliance with the following conditions. No bounty shall be paid unless the claimant, within 5 days after he has killed such animal, exhibits to the warden or chief warden in whose district the animal was killed the entire skin thereof, with the ears, nose and tail thereon in as perfect a state as when killed, except natural decay, and signs a certificate under oath stating that he killed such animal and the time and place within the state. Such certificate must be approved by and bear the signature of the warden or chief warden in whose district the animal was killed, stating that he believes the cat to have been killed at the time and place stated therein, and he shall thereupon cut off the whole of the tail from the skin and forward the same by mail to the commissioner, together with the claimant's certificate in the following form:

CLAIMANT'S CERTIFICATE

To the Commissioner of Inland Fisheries and Game:

I hereby certify that on theday of.....A. D., 19.... atin the state of Maine, I killed the bobcat, loupcevrier or Canada lynx, the skin of which I now exhibit to you, and I claim the bounty allowed by law for killing the same.

Dated atthis.....day of..... A. D., 19....

.....Claimant

It is believed that the cat was killed at the time and place stated herein.

This.....day of.....

.....
GAME WARDEN

Upon receipt by the state controller of a certificate from the commissioner showing that said commissioner has received the tail of the bobcat, loupcevrier or Canada lynx from the warden sent as aforesaid, said controller shall audit the claim for bounty and the same shall be paid forthwith by the treasurer of state to the claimant from fines and penalties recovered and money received, or collected under any provision of the inland fish or game laws or amendments thereof, or for sale of any seized or confiscated articles. After the foregoing appropriation has been exhausted, any further bounties shall be paid from the general appropriation of the department of inland fisheries and game, and if said appropriation is not exhausted any balance thereof shall revert to the general funds of the department of inland fisheries and game.

Sec. 78. Bounty on porcupines and hedgehogs. (1927, c. 249. 1929, c. 366. 1931, c. 249.) A bounty of twenty-five cents

for each and every porcupine, or hedgehog, so-called, killed in any town or unincorporated place, in the state, shall be paid by the treasurer of such town to the person killing it, except that in the Maine Forestry District, such bounty shall be paid only in case such animal is killed between the fifteenth day of October and the first day of April in each year, both days inclusive. If the animal is killed in an unincorporated place, the bounty shall be paid by the treasurer of an adjoining town, if any, otherwise by the treasurer of the nearest town. No bounty shall be paid unless the claimant within two days after he has killed such animal or has returned from the hunting, in which he killed it, exhibits to the town treasurer the entire nose and feet thereof, in as perfect a state as when killed, and signs and makes oath to a certificate.

NOTE. Apply to Town Treasurers, or to the Department of Inland Fisheries and Game, for further information regarding this bounty.

Sec. 79. Bounty on bears. When bears are destroying property in any town, plantation or unincorporated place, the assessors of such town or plantation, may petition the commissioner of inland fisheries and game to place a bounty on bears killed within such town or plantation or in any adjoining town, plantation or unincorporated place or places, and in the case of unincorporated places, a similar petition may be filed by the assessors of any adjoining town or of the nearest incorporated town where there are none adjoining, to place a bounty on bears killed within such unincorporated place. Upon receipt of the petition from the assessors, the commissioner of inland fisheries and game shall give due notice and hold a hearing. If the evidence given at such hearing discloses that damage to property is being caused by bears and is apt to continue, the commissioner shall authorize such bounty to be paid as hereinafter set forth, which shall continue in full force until the commissioner after due notice and hearing shall annul such authorization.

A bounty of \$20 for each and every bear killed in said towns or plantations shall be paid to persons killing the same, provided said persons have complied with all the provisions of this section. These bounties shall be paid by the treasurers of said towns or plantations.

No bounty shall be paid unless the claimant within 24 hours after he has killed such animal exhibits to the town treasurer the entire skin thereof or the entire animal for the killing of which such bounty is claimed, and sign a certificate under oath, which said treasurer may administer, stating that he killed such animal and the time and place within the state. Such certificate must be approved by and bear the signature of the fish and game warden or chief warden in whose district the animal was killed, stating that he believes the bear to have been killed at the time and place stated therein and that a bounty had been declared on bears killed in that place. The skin of all bears on which bounty is claimed must be stamped and sealed by the warden or chief warden in whose district the same was killed, with implements provided by the commissioner of inland fisheries and game. The town treasurer shall then pay the bounty and take the claimant's receipt therefor upon the same paper with such certificates and the town treasurer shall make upon the same paper, at the time of his monthly report, a certificate under oath addressed to the treasurer of state, that all requirements of law have been met by the claimant and that the bounty has been paid to him. Said certificates and receipts shall be transmitted to the treasurer of state monthly, and

by him presented to the governor and council as early as convenient, and when allowed by them shall be paid by the treasurer of state.

Sec. 80. Transportation of game by non-resident licenses. Each deer hunting license, so-called, shall be provided with a coupon which shall permit the transportation of the carcass of one deer or part thereof, which coupon shall be divided into two sections lettered "A" and "B." The holder of a non-resident deer hunting license shall present to the agent of any transportation company his license, with the coupon attached. The agent shall detach section "A," cancel the same by writing or stamping thereon the date, place of shipment, and his name, and shall forward the same forthwith to the commissioner of inland fisheries and game at Augusta, Maine; section "B" shall likewise be cancelled and attached to the carcass, or part of the carcass, of the deer offered for shipment and shall remain attached to the same while it is being transported in this state.

Sec. 81. Fish and game; transportation of, by aeroplane. No person shall transport, attempt to transport or offer for transportation by aeroplane any fish or game, unless such fish or game shall bear a transportation tag issued by the commissioner of inland fisheries and game, stating that the same may be so transported and bearing the signature of a fish and game warden. The pilot or owner of any aeroplane, other than those of regular transport lines, shall procure from the commissioner of inland fisheries and game a permit to transport any such fish or game by air. Whoever violates any provision of this section shall be punished as set forth in section 107 of this chapter.

Sec. 82. Transportation of game. No person shall transport or offer for transportation nor shall any person or carrier accept for transportation or transport any game animal or bird except as provided in this chapter.

Any resident may transport to his home any game which he has killed and which is legally in his possession provided he shall have been properly licensed and has met all other requirements of this chapter.

Any non-resident may transport or have transported to his home by a common carrier any game which he has killed and which is legally in his possession provided he shall have been properly licensed and has met all other requirements of this chapter.

No person or carrier shall transport any game bird or animal in closed season except that any person who has killed said game in open season shall have a reasonable time after the beginning of the closed season in which to transport said game to his home.

All game transported or offered for transportation shall be open to view, tagged and plainly labeled with the owners name and address and accompanied by him. Game transported for non-residents by a common carrier need not be accompanied by the owner if all other requirements of this chapter are met. Any carrier accepting any game for transportation shall be satisfied that the person presenting said game for shipment is the person to whom the hunter's license offered for inspection was issued and shall securely affix any tags and such other identification and make such returns to the commissioner as may be required by this chapter. Any wild bird or animal or part thereof found in possession of any person in violation of this chapter is subject to seizure and shall be seized and become the property of the state.

The hunting license of any non-resident shall entitle him to have game which he has legally killed, transported to his home without further fee to the state.

Secs. 83 to 90 inclusive. Game preserves and sanctuaries. The following is a list of game preserves and sanctuaries, with reference to sections of chapter 38, Revised Statutes, Biennial Revision of 1937. Refer to these sections of chapter 38 for boundaries, special restrictions, and penalties.

- 90 Androscoggin Game Preserve, Turner
- 90 Augusta, east side of Kennebec River
- 85 Back Bay, Portland
- 90 Bangor
- 84 Bartlett's Island
- 90 Bragdon Wild Life Sanctuary, Kennebunk
- 84 Cape Elizabeth
- 90 Caswell, Caswell Pt., Aroostook County
- 90 Drake's Island Game Preserve
- 90 Dry Pond
- 90 Fairfield
- 90 Ganeston Park, Augusta
- 90 Gero Island
- 87 Grassy Pond, Glencove, Rockport
- 90 Gray Game Preserve
- 87-A Gribbel Game Preserve
- 90 Jefferson and Whitefield
- 90 Katahdin Park
- 83 Kineo Point
- 90 Mapleton and Chapman
- 90 Maranacook Game Preserve
- 86 Megunticook Lake and vicinity
- 89 Merrymeeting Bay
- 90 Moosehead Lake
- 90 Mount Bigelow Game Preserve
- 90 Limington and Hollis until July 5, 1939
- 90 Narragansett Game Preserve, Gorham
- 90 Natanis Game Preserve
- 90 Old Town Game Preserve
- 89-B Old Mill Pond Game Preserve, Phippsburg

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| 90 | Oosoola Stream |
| 90 | Piscataquis and Somerset Game Preserve |
| 90 | Pittston Farm |
| 84 | Prout's Neck |
| 90 | Rangeley Game Preserve |
| 90 | Rangeley Lake Sanctuary |
| 90 | Readfield and Winthrop |
| 84 | Richmond Island |
| 90 | Salmon Pond, Guilford |
| 90 | Simpson's Pond |
| 90 | Standish |
| 90 | Swan Island |
| 90 | Thorncrag-Stanton Bird Sanctuary |
| 90 | Wells and Kennebunk |
| 89-A | Wells and York Game Preserve |
| 85-A | Westbrook |
| 90 | Windham |
| 90 | Winthrop and Wayne Game Sanctuary |
| 89-C | York Game Sanctuary |

Aroostook and Somerset Game Preserves. The following game preserves were created jointly by the department of forestry and the inland fish and game department. Detail description and boundaries may be obtained from the inland fish and game department. Aroostook Game Preserve, Somerset Game Preserve, Tomhegan Town Game Preserve.

Sec. 91. Hunting or possession of firearms within limits of game preserves forbidden; exceptions. No person shall at any time hunt, chase, catch, kill or destroy any wild birds or wild animals or have in his possession firearms of any description within the limits of any game preserve or closed territory except as provided in this chapter, and except that the commissioner is hereby authorized to use such means as may seem necessary to exterminate vermin of any description in all game preserves and sanctuaries and in any other localities where damage is being done.

Sec. 92. Licenses for taxidermists. Resident taxidermists shall pay an annual license fee of five dollars. Unnaturalized, foreign-born residents shall pay an annual license fee of twenty-five dollars. Apply to the commissioner of inland fisheries and game, at Augusta for further information, and for application blank for such license.

Sec. 93. Licenses for dealers in deer skins and heads. Residents of this state may purchase, for an annual fee of twenty-five dollars, a license to buy and sell deer skins, and the heads of deer if not detached from said skins, during the months of January,

October, November and December. Apply to the commissioner of inland fisheries and game, at Augusta, for further information, and for application blank for such license.

Sec. 94. Dealers in furs. Residents of this state may purchase, for an annual fee of twenty-five dollars, a license to engage in the business of buying the skins of any furbearing animals. Apply to the commissioner of inland fisheries and game, at Augusta, for further information, and for application blank for such license.

Sec. 95. Sale of deer or parts thereof. No person shall at any time sell or offer for sale or barter any deer or part thereof except that the heads and hides thereof may be sold to any properly licensed taxidermist or dealer in deer skins and heads as provided in sections 92 and 93 of this chapter.

Sec. 96. Seizure and disposition of game and equipment for violation of law. All birds, fish, or animals, or parts thereof, hunted, bought, sold, carried, transported, or found in possession of any person, in violation of the provisions of this chapter, or any boat, car, conveyance or equipment used or possessed in violation of the provisions of this chapter, shall be contraband and shall be forfeited to the state. And in all cases where a warden may find birds, fish or animals, or parts thereof, or any boat, car, conveyance or equipment used or possessed in violation of the provisions of this chapter, he may seize the same without a warrant, and keep them in some safe place for a reasonable time.

When any birds, fish, or animals, or parts thereof, or any boat, car, conveyance or equipment used or possessed are seized as provided in the preceding paragraph, the officer who made such seizure, shall within reasonable time file with a magistrate a libel against such birds, fish or animals, or parts thereof, or any boat, car, conveyance or equipment used or possessed in violation of the provisions of this chapter (except that articles of less than \$10 in value shall not be libeled unless reasonable doubt exists as to the ownership thereof), setting forth their seizure by him, describing such birds, fish, or animals, or parts thereof, or any boat, car, conveyance or equipment, and that they were hunted, taken, caught, killed, used or had in possession in violation of the provisions of this chapter, and pray for a decree of forfeiture thereof, and such magistrate shall thereupon fix a time for the hearing of such libel, and shall issue his monition and notice of the same, to all persons interested, citing them to appear at the time and place appointed and show cause why said birds, fish, or animals, or parts thereof, or any boat, car, conveyance or equipment used or possessed should not be declared forfeited, by causing a true and attested copy of said libel and monition to be posted in 2 conspicuous places in the town or place where such birds, fish, or animals, or parts thereof, or any boat, car, conveyance or equipment used or possessed were seized, or in such place or places as is ordered by the magistrate, 10 days at least before the day to which said libel is returnable. Copies to be served on common carriers.

In case the magistrate finds that the birds, fish, or animals, or parts thereof, seized, will be unsuitable for food (or other use) at the day to which said libel is returnable, he shall order the officer making the seizure to dispose of the same; and the officer so disposing of the same shall, in case of sale, hold the proceeds of said sale subject to order of the court for decision as to the right of the claimant, if any appear, to said birds, fish or animals, or parts thereof. If the magistrate finds the claimant, if any appear,

is not entitled to such birds, fish or animals, or parts thereof, the officer making such seizure shall turn over to the magistrate the proceeds of such sale, and such magistrate shall forward the proceeds thereof to the commissioner in the same manner as is provided by section 99 of this chapter.

If no claimant appears, such magistrate shall, on proof of notice as aforesaid, declare the same forfeited to the state. If any person appears and claims such articles, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the magistrate such claim in writing, stating specifically the right so claimed, and the foundation thereof, the items so claimed, the time and place of the seizure and the name of the officer by whom the same were seized, and in it declare that they were not used or had in possession in violation of the provisions of this chapter, with his knowledge or consent, and also state his business and place of residence and shall sign and make oath to the same before said magistrate. If any person so makes claim, he shall be admitted as a party to the process; and the magistrate shall proceed to determine the truth of the allegations in said claim and libel, and may hear any pertinent evidence offered by the libelant or claimant. If the magistrate is, upon the hearing, satisfied that said birds, fish or animals, or parts, or any equipment used in, or possessed were not used or had in possession in violation of the provisions of this chapter, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer having the same in custody, commanding him to deliver to said claimant the articles, or proceeds derived from the sale of the same, to which he is so found to be entitled, within 48 hours after demand. If the magistrate finds the claimant entitled to no part of said articles so seized, he shall render judgment against him for the libelant for costs, to be taxed as in civil cases before such magistrate, and issue execution thereon, and shall declare said articles forfeited to the state. The claimant may appeal and shall recognize with sureties as on appeals in civil causes from a magistrate.

The forms herein set forth, with such changes as adapt them for use in cities, towns, and plantations, are sufficient in law, for all cases arising under the foregoing provisions, to which they purport to be adapted; and the costs to be taxed and allowed for the libel, shall be 50 cents; for entering the same, 30 cents; for trying the same, \$1; for a monition, 50 cents; for posting notices and return, \$1; order to restore or deliver, 25 cents; executing the order 50 cents; and 10 cents per mile for all necessary travel.

Form of monition and notice

STATE OF MAINE

"County of, ss.

(L. S.) To all persons interested in....."

(here insert the description of the birds, fish, animals, or parts thereof, or boats, cars, conveyances or equipment used or possessed in violation of the provisions of chapter 38 of the revised statutes, as revised as in the libel.)

"The libel of hereunto annexed, this day filed with me esquire, a trial justice, judge or recorder of a municipal court, in and for said county, shows that he has seized said articles, because" (insert as in the libel,) "and prays for a decree of forfeiture of the same according to the provisions of law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before me, the said justice, judge or recorder, at..... in said county, on the.....day of..... 19...., and then and there show cause why said articles should not be forfeited. Given under my hand and seal at..... on theday of..... in the year of our Lord nineteen hundred.....

.....
Trial Justice, Judge or Recorder."

Form of Libel

STATE OF MAINE

"County of, ss To
a trial justice, judge or recorder of a municipal court, in and for said county:

The libel of.....of..... shows that he has seized certain birds, fish, or animals, or parts thereof, or certain boats, cars, conveyances or equipment, used or possessed in violation of the provisions of chapter 38 of the revised statutes, as revised, described as follows:

..... (here follows a description of articles seized,) "because the same were hunted, taken, caught, killed, used or had in possession in violation of the provisions of this chapter, as follows:

....." (here follows statement alleging the particular violation or violations of the fish and game laws for which said articles were seized,) "which said articles were kept and deposited at....." (describing the place) "in the said county of.....Wherefore he pray for decree of forfeiture of said articles, according to the provisions of law in such case made and provided.

Dated atin said county, this..... day of.....in the year of our Lord nineteen hundred.....

Signed"

Sec. 97. Officer seizing fish or game to report. In all cases, the officer making any seizure or sale of fish or game shall, within ten days, report to the commissioner all the particulars thereof.

Sec. 98. Commissioner or wardens may make arrest or search without warrants. The commissioner, wardens and deputy wardens may arrest, with or without a warrant, any person whom he has reason to believe guilty of a violation of any provision of this chapter, and with or without a warrant, may open, enter and examine all buildings, camps, vessels, boats, wagons, cars, motor vehicles, stages, tents, and other receptacles and places, and examine all boxes, barrels, and packages where he has reason to believe that birds, fish, game, or other wild animals, or parts thereof, taken or held in violation of this chapter, are to be found, and seize such birds, fish, game, or other wild animals, or parts thereof, if any be found therein; but no dwelling house shall be searched for the above purposes without a warrant, and then only in the day time, and no sealed railroad car shall be entered for the above purposes without such warrant. Any magistrate may issue warrants to search within his jurisdiction any dwelling house or premises for the purpose above set forth, provided, how-

ever, that the commissioner shall, on or before the first day of October of each year, in writing, notify the superintendents of all transportation companies doing business within the state, of the names of the wardens and deputy wardens by them designated to exercise the right of search of railroad cars as herein provided.

Sec. 99. Disposition of money received under this chapter. All fines and penalties recovered and money received, or collected under any provisions of this chapter, shall be paid within thirty days by the person receiving the same to the commissioner, to be paid by him to the treasurer of state. Any officer or person who shall fail to remit within thirty days any fine or penalty, or any sum of money received under the provisions of the fish and game laws, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution for each offense.

Sec. 100. Jurisdiction of offenses; court proceedings; penalties. Any officer authorized to enforce the inland fish and game laws may, without process, arrest any violator of said laws, and shall with reasonable diligence cause him to be taken before any trial justice or any municipal court, in the county where the offense was committed, or in any adjoining county, for a warrant and trial. Jurisdiction in such cases is hereby granted to all trial justices and all other courts to be exercised in the same manner as if the offense had been committed in that county.

Sec. 101. Jurisdiction. Trial justices, police and municipal courts within their counties shall have original and concurrent jurisdiction with the superior court in all prosecutions under any provision of this chapter.

Sec. 101-A. Fish and game wardens may accept personal recognizances in certain cases. Any warden of the department of inland fisheries and game making an arrest for any violation of any provision of this chapter at a point more than fifty miles distant from the nearest trial justice, police or municipal court having jurisdiction may accept the personal recognizance of the prisoner in the sum of not exceeding one hundred dollars for his appearance before the nearest trial justice, police or municipal court on a specified date and a deposit in money to the amount of said recognizance. Said warden shall forthwith report all such recognizances and forward all such deposits to the court to which such recognizance is returnable.

If such person fails to appear in said court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposited as aforesaid forfeited, and shall notify the commissioner of said default and forfeiture who shall revoke any and all licenses or permits held by said respondent issued under the provisions of this chapter.

All money forfeited as aforesaid shall be immediately paid over to the commissioner.

Sec. 105. Testimony of participant. In any prosecution under this chapter, any participant in a violation thereof, when so requested by any officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating the same, but his evidence so given shall not be used against himself in any prosecution for such violation.

Sec. 106. Result of court cases shall be reported to commis-

sioner. Every magistrate or the clerk of the court before whom any prosecution under this chapter is commenced, or shall go on appeal, within twenty days after the trial or dismissal thereof, shall report in writing the result thereof and the amount of fines collected, if any, and disposition thereof, to the commissioner.

Sec. 107. Penalties. Whoever violates any of the provisions of this chapter or rules and regulations promulgated thereunder, or rules and regulations heretofore promulgated and still in force and effect, excepting only those for the violation of which specific penalties have been hereinbefore provided, may be punished by a fine of not less than \$10 or not more than \$300 and costs, or by imprisonment for not more than 90 days, or by both said fine and imprisonment, except as hereafter noted.

(a) Whoever violates any provisions of this chapter relating to beaver shall be punished by a fine of not less than \$50 and costs for each beaver or skin involved, or by imprisonment for not more than 90 days, or by both said fine and imprisonment.

(b) Whoever violates the provisions of section 49 shall be punished by a fine of not less than \$200, nor more than \$300 and costs, or by imprisonment for not more than 90 days, or by both said fine and imprisonment.

Sec. 108. Possession of firearms or fishing tackle in forests or on waters of state without certificate prima facie evidence of violation of law. The possession of any firearm or fishing tackle in the fields or forests or on the waters or ice of the state by any person, except as provided in paragraph 1 of section 41 of this chapter, unless said person having such firearm or fishing tackle in possession has in his possession the required hunting or fishing license, duly issued to him and covering the period such firearm or fishing tackle is found in his possession, or gives satisfactory evidence of the issuance of such certificate, shall be prima facie evidence of hunting or fishing in violation of law.

Sec. 110. Impersonating game wardens. Any game warden or deputy game warden may arrest with or without warrant any person who impersonates or represents himself as being a game warden or deputy game warden.

Fish and game wardens may inspect records of poison sold. Whoever sells any poison mentioned in section 16 of chapter 23 of the Revised Statutes, without the written prescription of a physician, shall keep a record of such sales, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be open to inspection by any inland fish and game warden.

Game wardens are fire wardens. Fish and game wardens are hereby made state fire wardens; they shall, while in and about the woods, caution all sportsmen of the danger from fires in the woods, and extinguish all fires left burning by any one, if within their power; and shall give notice to any and all parties interested, when possible, of fires raging and beyond their control, to the end that the same may be controlled and extinguished.

Governor may suspend open season for hunting and fishing. Whenever, during periods of drought, it shall appear to the governor that hunting or fishing is likely to be a menace to the forests of the state, he may by proclamation suspend the open season for hunting or fishing for such time and in such sections of the

state as he may in such proclamation designate, and prohibit smoking and building fires out of doors in the woods for the same time and sections; provided, however, that such suspension of open time shall not prohibit fishing from boats or canoes on ponds, lakes, rivers or thoroughfares.

Smoking or building fires out of doors prohibited. During the time which shall by such proclamation be made a closed season, all provisions of law covering and relating to the close season shall be in force, and a person violating a provision of the same shall be subject to the penalty therein prescribed. Whoever, during the close season fixed by proclamation of the governor, as provided in the preceding section, enters upon the wild lands carrying or having in his possession any firearms; or who catches any fish contrary to the provisions of this and the preceding section, or shoots any wild animal or bird for which there is no close season otherwise provided by law; or who smokes or builds fires out of doors in the woods, shall be punished by a fine of not less than \$10 nor more than \$100 and costs for each offense.

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STATE OF MAINE

Federal Regulations Supersede State Law

relative to

MIGRATORY GAME BIRDS

Federal regulations relative to the taking of Migratory Game Birds are not printed herein for the reason that changes are contemplated by the Bureau of Biological Survey. Accurate information of which comes to this department too late to be printed.

LOOK before you SHOOT!

The first duty of a hunter is to observe the rules of caution in handling a gun, and to fail in this is criminal negligence of the most inexcusable sort. The hunter who endangers lives is not a sportsman, but a public nuisance, and can throw the entire sport into disrepute.

REMEMBER that a moment of second thought when hunting may save you a lifetime of regrets.